

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 136/97

Wednesday, this the 15th day of September, 1999.

CORAM:

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

HON'BLE MR G RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Gopidas K.A.,
S/o. Appunni,
Head Cook, LNCPE,
(Lakshmi Bai National College of Physical Education),
Trivandrum, residing at LNCPE Quarters, Type I No.3,
Trivandrum.

...Applicant

By Advocate Mr. K.C. Eldho

Vs.

1. The Principal,
LNCPE (Lakshmi Bai National College of
Physical Education), Trivandrum.
2. The Secretary,
Sports Authority of India,
J.N. Stadium (Jawaharlal Nehru),
New Delhi.

...Respondents

By Advocate Mr. Govindh K. Bharathan, SCGSC

The application having been heard on 15.9.99, the
Tribunal on the same day delivered the following:

ORDER

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

The applicant seeks to quash A-7 and to direct the
respondents to fix his pay in the scale of Rs. 950-1500 which
is the scale of pay of Head Cook from the date of appointment
till 22.6.1994 and in the scale of pay of Rs. 1400-2300 from
22.6.1994 onwards being the scale of pay of the promotion
post of Head Cook.

2. The applicant was appointed as Head Cook as per A-1 in
the scale of pay of Rs. 200-250 which was revised to Rs. 775-1025

on 30.9.1987. As per bye-laws of the 2nd respondent, a Head Cook is entitled to the basic pay scale of Rs.950-1500 as evidenced by A-3. Consequent to the retirement of Assistant Mess Supervisor Mr. P.K. Shankaran on 22.6.1994 in the scale of pay of Rs. 1400-2300, the applicant is entitled to be promoted to that post in that scale. The representation of the applicant as per A-6 has been disposed of as per A-7 rejecting the request of the applicant. As per A-8, pay scale of Rs. 950-1500 has been granted from the date of appointment to a similarly placed incumbent.

3. Respondents say that the applicant was appointed as Head Cook in Lakshmi Bai National College of Physical Education, Trivandrum with effect from 1.5.1987 and the said institution was amalgamated with the 2nd respondent, Sports Authority of India. He was granted pay scale of Rs. 950-1500 from 5.9.92. The applicant was only asked to take physical possession of the articles under the charge of Assistant Mess Supervisor and the same does not entitle him to assume promotion.

4. From A-1 dated 1.9.1987, it is clearly seen that the applicant was appointed as Head Cook. The scale of pay shown therein is Rs. 200-250. The applicant has stated that as per A-8, one Mr. Unnikrishnan Pillai and one Mr. Vijayakumar have been granted revised scale of pay from the respective date of their appointments and Mr. Vijayakumar was appointed in the scale of pay of Rs. 200-250 and he has been granted by the respondents, the scale of pay of Rs. 950-1500 from the date of his initial appointment. The same is not disputed by the respondents. There is absolutely no reason stated why the applicant alone is singled out and what is the basis for the discrimination. Like should be treated alike. There is no dispute as to the fact that with effect from 22.6.1994, Mr. P.K. Shankaran retired from the post of Assistant Mess

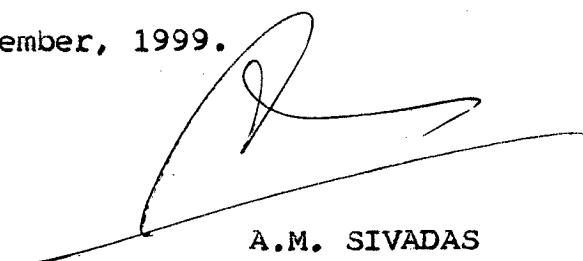
Supervisor. According to the respondents, the applicant has not completed five years in the scale of pay of Rs. 950-1500 when the vacancy of Assistant Mess Supervisor arose on the retirement of Mr. P.K. Shankaran. The applicant was admittedly appointed as per A-1 and if the same treatment given to Mr. Vijayakumar as per A-8 is given to the applicant, he would have completed five years in the scale of pay of Rs. 950-1500 by the time the vacancy of Assistant Mess Supervisor arose on the retirement of Mr. P.K. Shankaran. That being so, the applicant is entitled to be considered for the post of Assistant Mess Supervisor if he is qualified otherwise in accordance with the stipulations contained in A-3 bye-laws.

5. Accordingly, the applicant is permitted to submit a detailed representation to the 2nd respondent for redressal of his grievances within fifteen days from today. If such a representation is received, the 2nd respondent shall consider the same and pass appropriate orders within three months from the date of receipt of the representation bearing in mind the observations contained in this order.

6. O.A. is disposed of as above. No costs.

Dated this the 15th day of September, 1999.


G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER


A.M. SIVADAS
JUDICIAL MEMBER

nv
16999

LIST OF ANNEXURES REFERRED TO IN THIS ORDER

1. Annexure A-1: True copy of the appointment order No. Estt(6)/1130/87 dated 1.9.1987 issued by the 1st respondent to the applicant.
2. Annexure A-3: True copy of the notification issued by the 2nd respondent.
3. Annexure A-7: True copy of the order dated 2.12.96 issued by the 2nd respondent to the applicant (No.13(85)/96 Admn/74 P).
4. Annexure A-8: True copy of the order No. Admn (10)/95 dated 29.12.1995 issued by the 1st respondent.
5. Annexure A-6: True copy of the rep. dated 20.8.96 submitted by the applicant before the 2nd respondent.